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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/544,283      | 04/06/2000  | Toshiaki Sakaguchi   | ASA-873             | 8159             |

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SUITE 370  
ALEXANDRIA, VA 22314

EXAMINER

PHAM, THOMAS K

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 03/19/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

|                             |                        |                     |
|-----------------------------|------------------------|---------------------|
| <b>Offic Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                             | 09/544,283             | SAKAGUCHI ET AL.    |
|                             | <b>Examiner</b>        | <b>Art Unit</b>     |
|                             | Thomas K Pham          | 2121                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 April 2000.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                         | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 | 6) <input type="checkbox"/> Other: _____                                    |

*Notice to Applicant(s)*

1. Claims 1-10 of U.S. Application 09/544283 filed on 04/06/2000 are presented for examination.

**DETAILED ACTION**

*Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Smirnov et al. U.S. Patent No. 6,279,009 (hereinafter Smirnov).

7. As for claim 1, Smirnov shows a method for managing a workflow on the basis of the workflow definition information for defining the flow of service through the use of a processing apparatus, comprising the steps of: corresponding a processing node of a virtual workflow defined according to a requester's purpose with a processing node of an actual workflow that is the actual service (col. 5 lines 21-34); acquiring a node of said actual workflow being currently processed (col. 3 lines 37-40); and comparing said acquired node being currently processed with a node of said actual workflow definition related with the node of said virtual workflow definition (col. 5 lines 56-64), and outputting as a progressing state of said virtual workflow the processing state of the node of said actual workflow being matched to said node being processed or previous to said node being currently processed and closest to a candidate node, and a virtual node being related with said candidate node having an access right of said requester (col. 6 line 62 to col. 7 line 14).

8. As for claim 2, Smirnov shows the method for managing a virtual workflow as claimed in claim 1, further comprising the steps of: when said virtual workflow is defined, specifying a node to be opened as a node of said virtual workflow of nodes composing said actual workflow

and setting a right of operation of said requester of said specified node; and registering a virtual workflow definition for connecting said set nodes with an arc (col. 8 lines 45-62).

9. As for claim 3, Smirnov shows a method for managing a virtual workflow as claimed in claim 1, further comprising the steps of: before outputting the progressing state of said virtual workflow, determining the corresponding actual workflow definition to said virtual workflow definition by using the attribute defined in said virtual workflow definition (col. 8 lines 17-31); and inputting execution information of said virtual workflow by using said determined actual workflow definition (col. 10 lines 26-34).

10. As for claim 5, Smirnov shows a method for managing a virtual workflow as claimed in claim 1, further comprising the steps of: inputting information for selecting virtual workflow definition information; and determining a virtual workflow definition used by said selected virtual workflow definition on the basis of said input information (col. 2 line 62 to col. 3 line 6).

11. Claim 4 is rejected under 35 U.S.C. 102(e) as being anticipated by Cheng U.S. Patent No. 6,067,548. Cheng shows a virtual workflow managing system for managing a workflow as accessing workflow definition information for defining a flow of service, comprising: a storage unit for storing virtual workflow definition information containing ID information of a virtual workflow definition, ID information of nodes contained in said virtual workflow definition, and access right information given by the user of said virtual workflow definition at each node (col. 7 lines 54-66); and a workflow link definition information storage unit for storing an ID of the corresponding link to the link with a combination of ID information of said node of said virtual

workflow definition, ID information of an actual workflow definition, and a node of said actual workflow definition (col. 4 lines 35-48).

12. Claims 6, 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Cheng U.S. Patent No. 6,067,548.

13. As for claim 6, Cheng shows in a workflow system having a client and a server (col. 11 lines 59-61), a method for managing a virtual workflow comprising the steps of: holding a virtual workflow definition composed of virtual nodes defined according to the purpose of use of said client, an actual workflow definition composed of actual nodes corresponding to an actual service, and a workflow link definition for indicating correspondence between said virtual workflow definition and said actual workflow definition, on the basis of an indication given from said client (col. 11 lines 24-42); searching an actual node corresponding to a virtual node specified by said client, based on said workflow link definition (col. 7 lines 61-64); and outputting a processing state of said searched actual node as a progressing state of said specified virtual node to said client (col. 6 lines 58-64).

14. As for claim 9, Cheng shows a method for managing a virtual workflow as claimed in claim 6, wherein said virtual workflow definition holds information about a type of an operation right of said client against said actual workflow definition at each virtual node (col. 6 lines 17-25).

15. As for claim 10, Cheng shows a method for managing a virtual workflow as claimed in claim 6, wherein each of said virtual nodes contained in said virtual workflow definition

corresponds to said actual node contained in a plurality of actual workflow definitions (col. 5 lines 53-65).

16. Claims 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Cheng U.S. Patent No. 6,067,548

17. As for claim 7, Cheng shows in a system for managing a virtual workflow having a client and a server (col. 11 lines 59-61), said server comprising: an information storage unit for storing a virtual workflow definition composed of a virtual node defined according to the purpose of use by said client, an actual workflow definition composed of an actual node corresponding to an actual service, and a workflow link definition for indicating correspondence between said virtual workflow definition and said actual workflow definition (col. 7 lines 54-66); a processing unit for searching an actual node corresponding to a virtual node specified by said client, based on said workflow link definition (col. 7 lines 61-64); and a processing unit for outputting a processing state of said searched actual node as the progressing state of said specified virtual node to said client (col. 6 lines 58-64).

18. As for claim 8, Cheng shows in a storage medium being readable by a computer for storing a program of a method for managing a virtual workflow, executed by a sever in a workflow system having a client and a server, said managing method comprising the steps of: holding a virtual workflow definition composed of virtual nodes defined according to the purpose of use of said client, an actual workflow definition composed of actual nodes corresponding to an actual service, a workflow link definition for indicating correspondence between said virtual workflow definition and said actual workflow definition, based on an

indication given from said client (col. 11 lines 24-42); searching an actual node corresponding to a virtual node specified by said client, based on said workflow link definition (col. 7 lines 61-64); and outputting a processing state of said searched actual node as a progressing state of said specified virtual node to said client (col. 6 lines 58-64).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thomas Pham; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874. The examiner can normally be reached on Monday-Friday from 7:30AM- 4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *John Follansbee*, can be reached on (703) 305-8498 or via e-mail addressed to [joh.follansbee@uspto.gov]. The fax number for this Group is (703) 308-5403.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [thomas.pham@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Thomas K. Pham**  
*Patent Examiner*

tp  
March 11, 2003

*[Signature]*  
JOHN FOLLANSBEE  
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